

# Notice of Allowability

Application No.

10/056,125

Applicant(s)

CHURQUINA, EDUARDO  
ENRIQUE

Examiner

Nga B. Nguyen

Art Unit

3692

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on February 26, 2007.
2. ☒ The allowed claim(s) is/are 1-7,9,12 and 16-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on February 26, 2007, which paper has been placed of record in the file.
2. Claims 1-7, 9, 12 and 16-18 are pending in this application.

#### ***Allowable Subject Matter/Reasons for Allowance***

3. Claims 1 and 18 are allowed over the prior arts cited records.

The closest prior art is:

Garcia (US 6,272,474) is concerned with aggregating trading volume executed at bid price, ask price, and in between those two. The present invention objective is to show trading volume at each price level regardless of bid or ask price. Garcia makes no attempt to discriminate volume per price level, only classifying each transaction as executed at bid, ask, or in between. The present invention aggregates trading volume by price levels, regardless of current bid and ask prices. Garcia's Bid/Ask Trade Bar is a volume only bar, while the present invention is a combined price and volume bar.

Garcia's Bid/Ask Trade Bar is display all volume for each time interval as a single bar separated from a price bar, where the volume has three sections to indicate percentage of trades at bid price, ask price, or in between those, and displays it in a traditional volume histogram configuration. The present invention does away with Garcia's and previous art separated price and volume bars, by showing trading price movement and volume at each price level combined within the price bar, and thus called price-volume bar. Compare Garcia's preferred embodiment figure 3 to the present invention

embodiment figure 7. It is impossible from Garcia's embodiments and methods to deduct volume at each price level, while the present invention objective is to show this information. Moreover, Garcia's invention aggregates volume based on continuously changing bid / ask prices, the present invention aggregates volume based on preselected price brackets. Garcia's method aggregates trading volume in relation to bid and ask prices at the time of the transaction occurs. Bid and ask prices are continuously changing per market conditions. The present invention aggregates trading volume for each price bracket of a preselected list of price brackets. Garcia displays volume by the bar length, the present invention by the bar width. Garcia's Bid/Ask Trade Bars display percentage of trading volume at bid, ask, or in between by the bar length, while the present invention price-volume bars display proportional trading volume at each price level by the bar width. Garcia's invention objective is to show trading volume respect to current bid and ask prices while the present invention objective is to show trading volume at each price level. Both Garcia's and the present methods use transaction information ("Time and Sales" data) to aggregate trading volume, although each method have different objectives and both results on completely different charts. Garcia's invention objective is to show trading volume respect to current bid and ask prices (Garcia's column 6, line 5-column 6, line 15), while the present invention is to show trading volume at each price level, regardless of current bid and ask prices(Applicant's paragraphs 0038-0044).

Therefore, it is clear from the description of Garcia's inventions that the prior art does not considered the possibility of: computing a volume per price bracket for each

said price bracket for each said time interval, each said volume per price bracket being an aggregate of said sizes of said trades executed at prices within the corresponding said price bracket and executed during the corresponding said time interval and displaying the resulting data in a chart comprising a set of sequential price-volume bars, each said price-volume bar corresponding to one said time interval, as included in claim 1; computing an aggregate volume per each said price bracket per each said time interval, said aggregate volume being a sum of said sizes of said trades with a said price within the corresponding said price bracket and with said time within the corresponding said time interval, as included in claim 18.

4. Claims 2-7, 9, 12, 16, and 17, are allowed because they are dependent claims of the allowable independent 1 above.

### **Conclusion**

5. Claims 1-7, 9, 12 and 16-18 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571) 272-6777.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

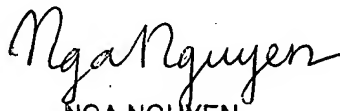
(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

  
NGA NGUYEN  
PRIMARY EXAMINER

March 27, 2007